



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSION MEETING

REGULAR MEETING

NOVEMBER 14, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Banks, City Attorney (CA) Leichter, Business Assistance and Housing Services Director (BAHSD Toy), Senior Engineer (SE) Creer and Minutes Clerk Johnson.

REGULAR MEETING

Chair Kennett called the meeting to order at 7:02 p.m.

DECLARATION - POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chair Kennett opened the floor to public comments.

There being none present who wished to address the Commissioners, the public hearing was closed.

MINUTES:

SEPTEMBER 12, 2000 COMMISSIONERS LYLE/MUELLER MOTIONED TO APPROVE THE SEPTEMBER 12, 2000 MINUTES AS WRITTEN BY A VOTE OF 4-0-2, WITH THE FOLLOWING ACTION: AYES: LYLE, MUELLER, PINION, SULLIVAN; NOES: NONE; ABSTAIN: KENNETT, RIDNER; ABSENT: NONE.

OCTOBER 24, 2000 COMMISSIONERS RIDNER /PINION MOTIONED TO APPROVE THE OCTOBER 24, 2000 MINUTES. THE MOTION PASSED ON A VOTE OF 5-1 , WITH MCMAHON ABSTAINING, WITH THE FOLLOWING AMENDMENTS:

- 1) Page 9, paragraph 1: He stated “the issue can be resolved, but right now the property can only provide an offset intersection and this creates a new problem.”
- 2) Page 11, paragraph 5 2nd sentence: He noted that “one can’t presume Measure P criteria will prevent something from happening.”
- 3) Page 12, just before new business: The general plan calls for urban development inside the City.
- 4) Page 13, paragraph 9: “park” not “part”
- 5) Page 13, last sentence of last paragraph (Addition/Correction): [RE: motion for use permit] If the City needs to use the tower to supplement City operations, if Public Works or the Police Department needs to use the tower, permission is to be granted for City to use the tower for co-location of such facilities.
- 6) Page 16, paragraph 4 (Addition/Correction): Planning Commission consensus was to use February 13, 2001 for final scoring and hearing applicant’s appeals and February 27, 2001 is to be for awarding allotments.

OLD BUSINESS:

1. UP-00-04: TENNANT- MORGAN HILL EQUIPMENT

The application requested a conditional use permit to allow for outdoor sales and display of earthmoving equipment used in construction and agriculture. The proposed sales lot would be located on a portion of a 1.79 acre parcel at 375 Tennant Ave. in the M-L, Light Industrial zoning district.

PM Rowe gave the staff report indicating the location, surrounding zoning and land use of the property and current development. The property has a 33,040 square foot warehouse building with parking and other site improvements. The applicant is currently proposing to lease the open lot area to the rear of the existing warehouse building to store, display and sell earthmoving equipment and utility vehicles for construction and agriculture purposes. Required parking for the warehouse building is located at the south end of the property in front of the building closest to Tennant Avenue. The area is screened from view from nearby streets by existing industrial building to the north, south and west by the railroad tracks to the east.

PM Rowe reminded the Commissioners that motor vehicle sales and outdoor storage yard use requires the approval of a conditional use permit in the Light Industrial district. He also stated that the business will have a display area but will not be open to the public; viewing is by appointment only and with the accompaniment of a courier. PM Rowe indicated the parking appears to be adequate for the use proposed.

The public hearing was opened.

Commissioner Mueller asked if there were any concerns of petroleum products into the water table at the site?

PM Rowe indicated this had been addressed and there were no concerns with the issue; however, a review of other projects which carry equipment such as this have been required to place drip pans under the parked equipment.

Commissioner Pinion noticed that the washing of the equipment had not been addressed in the report and questioned whether this matter had been investigated?

PM Rowe replied the applicant had asked for “dry maintenance” conditions which appeared to be proper in this case as the equipment was transported to the site in salable condition and would require only dusting, not power washing.

Commissioner Pinion asked for clarification of “future” phases, including possibly selling parts” which the application indicated.

Bill McGeever, representing Morgan Hill Equipment, was present and addressed the Commission. He stated PM Rowe had covered the issues well but he would be happy to clarify any questions. McGeever stated that dry dusting of the equipment was a common practice, and assured the Commissioners that there would be no steam cleaning of equipment on the premises. Addressing the proposed sales yard, he said the company hoped to utilize a facility being built adjacent to the site. McGeever said the business will be a “store front” with the company proposing to expand to offer spare parts.

The public hearing was closed.

Commissioner Pinion asked Staff if any concern about washing vehicles in operations such as this has been an issue in the past. He also asked about problems with petroleum drips onto the soil causing potential contamination.

PM Rowe said there are no concerns with cold water wash; he indicated that if detergent washing were being suggested by the applicant, a wash pad could be required, but this does not appear to be the case.

Commissioner Mueller said it is his understanding that this was strictly an appointment only sales yard so any cleaning would be for show only.

Commissioner Pinion asked if the equipment might be muddy when it came into the yard?

Commissioner Mueller said if drip pans were placed under the vehicles for possible petroleum drips, the possibility of contamination would be pretty limited, and he viewed this a very minor request.

Commissioner Pinion asked if there was a likelihood the drip pans would collect petroleum products then be flooded in a heavy rain, thus contaminating the surrounding ground?

PM Rowe said while this is a possibility, it is highly unlikely.

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO ACCEPT THE NEGATIVE DECLARATION AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

COMMISSIONERS RIDNER/SULLIVAN MOTIONED TO APPROVE RESOLUTION NO. 00-57 WITH THE FINDINGS CONTAINED IN SECTION

18.54.050 (B) OF THE MUNICIPAL CODE AND WITH LANGUAGE ADDED INDICATING “FLUID CONTAINERS REQUIRED”. THE MOTION PASSED 7 - 0 WITH “AYE” VOTES CAST BY: KENNETT, LYLE, McMAHON, MUELLER, PINION, RIDNER, AND SULLIVAN.

**2. ZA-00-09:
ST. LOUISE-
S.J. CHRISTIAN
COLLEGE**

A request to amend the precise development plan under a PUD, Planned Unit Development District to allow the former St. Louise Hospital to be converted to a private college. The proposed zone amendment would only allow reuse of the existing hospital and office buildings. Maximum enrollment would be limited to 400 students. The project site is located at 18500 Saint Louise Drive, south of Cochrane Road and east of Highway 101.

Chair Kennett announced this being “not an action item”, a public hearing would be opened, but public comment would be limited to the noticed issue.

PM Rowe presented the staff report: the expanded traffic analysis requested by the Commission will be completed prior to the next meeting on December 12. He suggested the Commission review the traffic report at that meeting and ascertain if any unresolved traffic concerns remained, the issues could be addressed by the traffic consultant prior to the January 16, 2001 Commission meeting when the zoning amendment application is anticipated to be on the agenda. PM Rowe also indicated the Community Health Care Task Force report should be completed and sent to the Commissioners to be included with the deliberations and decision making on January 16, 2001.

Commissioner Pinion asked if it would be better to wait to discuss the matter when the total plan was available. He expressed concern about splitting the issues. Commissioner Pinion also spoke to the fact that there appeared to be an effort to piece meal the issues to the Commission. He said that in public meetings which are on the record that officials of the SJCC (San Jose Christian College) had indicated the intent to go ahead with plans for a much expanded campus, yet they were not forthcoming with applications which would indicate the firmness of their intentions.

CA Leichter noticed the Commission that they could address certain specified issues, such as traffic, safety, and then go on to make a recommendation to the City Council on their findings. She informed the Commissioners that if the application didn't indicate an issue, the Commission could not address peripheral issues.

Commissioner Sullivan informed that the web site of SJCC indicated much larger plans than had been indicated in the application before the commission.

CA Leichter stated there is no requirement under zoning code laws to reveal the full scope of potential plans. She also advised the Commissioners that City Staff has looked at the application and does not believe it would be proper to look at other issues at this time. City Staff recommends concentrating solely on the identified issues at this time.

Commission Mueller said that in the plans presented to the City Council, other buildings and uses had been indicated. He said it appeared to be public testimony before the City Council, that the applicant expects to expand the plans. His concern: SJCC has gotten

a foot in the door and now public bodies such as the Commission are being asked to make decisions on what has been publicly documented for enhanced build out without the full scope of work through a planning application being presented.

CA Leichter again stated that the Commissioners can only address what is before them.

PM Rowe reminded that the applicant can't do anything else on the project without another application. The guidelines of CEQA would prohibit any work without such an application.

Commissioner Sullivan said what the Commission is really talking about is the infrastructure and it is not possible to use that infrastructure for any other purpose. If the applicant wants to take it out, this is a substantial change to the property.

CA Leichter indicated that there is no restriction on demolition by a property owner. She reminded the Commissioners that the issue tonight is one of scheduling discussion and decision making of the traffic and task force reports.

Commissioner Mueller questioned CA Leichter regarding the ramifications of recently passed federal law concerning health care services and the relationship to local government.

PM Rowe reiterated the request by the City Council to "wrap up" the matter at the Commission meeting of January 16, 2001. He stated the issue is whether or not to address the traffic study at the December 12, 2000 meeting in anticipation of all the materials and information being received for review and decision making at the January 16, 2001 meeting.

The discussion included issues regarding the application within the scope of a PUD.

The public hearing was opened.

There being no speakers to the issue, the public hearing was closed.

Chair Kennett asked if there was interest in having a workshop before the December meeting to discuss the issues and ask questions of staff?

Indicating they thought this a splendid idea, the Commissioners, by consensus, agreed to hold a 5:00 p.m. workshop on December 12, 2000, at which time all reports delivered to the Commission will be considered.

NEW BUSINESS:

3. UP-00-07: BUTTERFIELD- TEMPLE EMMANUEL

A request for approval of a conditional use permit to establish a 10,500 square foot church on a 1.6 acre parcel located at the northwest corner of Butterfield Blvd. and San Pedro Ave. in the M-L, Light Industrial zoning district.

PM Rowe gave the staff report noting the project site is the remainder of a larger parcel

acquired by the City Redevelopment Agency for the extension of Butterfield Boulevard. Offsite public improvements, including curb and sidewalks have been installed on the Butterfield frontage. This project would complete the frontage improvements on San Pedro Avenue. PM Rowe noted the City has entered into an agreement to provide the San Pedro site as replacement for the existing Church property next to the proposed Community Center on Monterey Road, north of Dunne Avenue. He said the basic description of the use is:

10,506 sq. ft. facility on 1.6 acres
3,600 sq. ft. sanctuary
6,906 sq. ft. For office, classroom and day care uses
Parking for 77 vehicles (74 spaces are required)

PM Rowe noted the proposed church is an appropriate use within the general industrial zone and for its' proposed site on San Pedro at Butterfield. Access will be from an arterial street that will provide opportunity for safe ingress and egress of the site and will not impact the planned capacity of the local street system. He noted the single driveway approach, a minimum of 500 feet north of the centerline of San Pedro Avenue is recommended to provide sufficient travel distance for vehicles exiting the site to safely merge over to the left turn lane at the San Pedro intersection. In explaining this, he indicated the driveway placement had been the topic of numerous discussions and had been a concern of City Staff and officials of the Church as well.

PM Rowe also indicated the Planning Staff is continuing to dialogue with Public works concerning the on-site storm water retention areas which at this time are potentially located in the parking lot area. He said the intention was to have storm water drainage contained within the project.

Commissioner Lyle commented the single driveway design would put a burden on the stacking area on Butterfield. Commissioner Lyle questioned if Butterfield were made to be six-lanes as has been proposed by the General Plan Task Force, whether there would be enough room in the stacking area?

PM Rowe responded that the code regulations regarding stacking provide for at least two vehicles and that staff will look at the stacking issue with Public Works.

SE Creer spoke of the 90-foot curb to curb which now exists on Butterfield, indicating it would be "awfully tight" for further modification.

Commissioner Lyle asked about landscaping for the property.

PM Rowe said landscaping included plans for a hedgerow to screen the parking lot.

Commissioner Mueller spoke on the storm water detention areas for the parking lot. He discussed the possible desirability of having the run-off channeled into the South Butterfield Channel on San Pedro.

SE Creer stated plans to utilize the Channel were uncertain at this time due to right-of-way

issues which had not been resolved.

Commissioner Lyle said he wanted further clarification on the traffic circulation issues in the area.

SE Creer said there would be no further median cuts on Butterfield and explained the system of turning from the Church parking lot and subsequent u-turns.

Commissioner Pinion said the Church members hold regular car-washes for fund raising at the site they now occupy. He also noted the current parking lot is often full and asked about over flow parking.

PM Rowe said there were commercial operations on the adjacent properties which were not in use on weekends, suggesting the Church officials might be able to enter into negotiations with those owners regarding parking for attenders. He also indicated that a private parking lot at Church and San Pedro Streets is generally unoccupied on Sundays.

The public hearing was opened.

David Starck, Architect at SKW and Associates, 2237 Scenic Drive, Modesto, indicated he had been retained by officials of the Church for planning and design purposes. He said he has been working with Church officials and City Staff to resolve the issues of storm water and the driveway. He indicated the current location affords two driveways and the Church attenders would prefer to have the same at this site. He noted that there is a desire to retain the green space at the Church and placing a driveway in that area would cause the elimination of a playground or place the playground on a frontage street which is not desirable. Starck said a plan originally submitted to the City showed two driveways but had been rejected because of the shape of the site and the constraints of set backs for driveway and building placement. He said that the success of the fund raising car washes causes the congregation to want to continue that function, but they were concerned about the one-driveway issue and asked the Planning Commission to reconsider this recommendation.

Pastor George Gillespie of Temple Emmanuel addressed the Commission, reiterating concerns of one driveway. He spoke of how Church members and officials had worked with the City, saying they wanted to "help out" but they had given a lot and it will cost a lot to build the site as indicated.

Commissioner Sullivan thanked the Pastor and Church members for working with the City, saying in her opinion the site will look a lot better with a Church on it.

The public hearing was closed.

Commissioner Mueller expanded on the issue of storm water retention saying he thought the City should investigate the possibility of utilizing South Channel for the Church.

SE Creer said much of the capacity of the channel was already spoken for.

Commissioner Pinion said he had concerns about the storm water retention, too, and he also stated that he was concerned that since the City was the beneficiary of the land swap, mitigation of the issues should be the responsibility of the City. The Church shouldn't have the fiscal responsibility of the mitigation issues.

Commissioner Sullivan encouraged City Planning Staff and Public Works to revisit the driveway issue, stating that it appears two driveways would be practical for the enterprise.

PM Rowe restated the different models which had been studied for the possibility of two driveways.

Commissioner Ridner asked if in considering the driveway(s) location whether the hours of the Church's operation had been considered as to a potential impact on Butterfield traffic?

Chair Kennett said she concurred with the concerns voiced by the Commissioners. She said she believed a second driveway would be preferable and requested Staff to revisit the issue. She said she also agrees with Commissioner Pinion regarding the City's responsibility for the mitigation measures.

BAHSD Toy was present and indicated his agency will undertake a study of the mitigation costs issue.

PM Rowe explained the possibility of and procedure for a variance on the setbacks for the placement of a second driveway. He offered one solution: a 12-foot wide, one-way driveway on the side fronting San Pedro which would result in the loss of some green space, but would be a good compromise. He said he concurs that the storm water detention issue can and should be revisited.

COMMISSIONERS SULLIVAN/McMAHON MOTIONED TO ACCEPT THE NEGATIVE DECLARATION. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS VOTING "AYE".

COMMISSIONERS SULLIVAN/McMAHON MOTIONED TO ADOPT RESOLUTION NO. 00-61 WITH THE FOLLOWING MODIFICATIONS:

- 1) # 4 PAGE 18: TO MITIGATE STORM WATER DRAINAGE, THERE IS A NEED FOR INTERIM CAPACITY EXPANSION OF THE SOUTH BUTTERFIELD CHANNEL TO ELIMINATE THE RETENTION AREAS PROPOSED FOR THE PARKING LOT.**
- 2) LANDSCAPING ON THE MOUNDS CALLS FOR CONSIDERABLE SCREENING; THIS SHOULD BE THE RESPONSIBILITY OF THE CITY.**
- 3) THE BURROWING OWL HABITAT ISSUES ON PAGE 18 (# 3) ARE THE RESPONSIBILITY OF THE CITY.**
- 4) AMEND CONDITION #10 TO ALLOW A SECOND DRIVEWAY ON BUTTERFIELD WITHIN 500 FT. OF SAN PEDRO TO BE ONLY, OR PROVIDE SECOND DRIVEWAY FROM SAN**
- 5) ADD CONDITION #11 TO REQUIRE SCREENING OF THE PARKING**

**ENTRANCE
PEDRO.**

- LOT WITH A HEDGE ROW PLANTING.**
- 6) **ADD CONDITION #12, ALLOWING THE TWO DRIVEWAYS ON BUTTERFIELD, WITH THE STIPULATION THAT A DEED RESTRICTION SHALL BE RECORDED THAT WOULD LIMIT THE USE ON THE PROPERTY TO A CHURCH OR OTHER RELIGIOUS INSTITUTION WITH SIMILAR PEAK HOUR AND TRAFFIC GENERATING CHARACTERISTICS. A DEED RESTRICTION WOULD NOT BE REQUIRED IF THE SECOND DRIVEWAY IS PROVIDED FROM SAN PEDRO AVENUE.**

THE MOTION PASSED 7 - 0 WITH ALL COMMISSIONERS VOTING "AYE".

Chair Kennett asked the Pastor if this action would be acceptable. He indicated he would need to check with the Board of Directors of the Church to give consent.

Following further discussion, it was ascertained that condition 10 needed to be changed as well.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO AMEND THE REQUIRED CONDITIONS TO INDICATE A TWO-DRIVEWAY SYSTEM WOULD BE USED AND IF BOTH WERE LOCATED ON BUTTERFIELD, THERE WOULD BE A NEED FOR A ONE-WAY TRAFFIC PATTERN ON THE PROPERTY. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS VOTING "AYE".

**4. DA-00-02:
COCHRANE-MH
DEVELOPMENT
PARTNERS**

A request for approval of a Development Agreement for Morgan Hill Ranch Business Park on approximately 118 acres, located on the south side of Cochrane Rd. between Monterey Rd. and Hwy 101.

BAHSD Toy presented the report. He explained the benefits of the project to the City and the Developer. He said the proposed project is the western portion of the Morgan Hill Ranch Business Park. The PUD for the project allows for the development of 1,700,000 sq. ft. of industrial uses. He outlined the major terms of the development agreement which had been presented to the Commissioners:

- The developer will contribute \$750,000 to the City for the development, construction and/or operation of a community Aquatics Center.
- The term of the agreement is ten years.
- The developer must secure building permits for the construction of at least 851,000 sq. ft. of industrial, office or research and development buildings within the first five years of the Agreement.

BAHSD Toy stated that the standard provisions for this project were the same as for the Madrone Business Park, which the Commission had seen in the past and that the business terms were tailored to the project. He also presented a schedule of development to the Commissioners.

Commissioner Ridner asked why an aquatic center instead of simply \$750,000 for other

projects?

BAHSD Toy replied this was a negotiated amount and purpose, providing the history of the project.

Commissioner Mueller indicated a troublesome issue in the agreement on page 4, paragraph 1 where there appears to be an indication that the agreement supersedes the ability to set future fees or mitigation measures if such items are placed by the City. He further pointed out that on page 6, section 4.4 appears to reinforce this. He expressed concern that while taxes are currently anticipated, if use(es) change, conditions may need to change so the rules can be applied evenly.

BAHSD Toy answered the wording on page 4 was the same as in other agreements and the City Attorney had reviewed the document and given approval. He addressed section 4.4 saying if the developer proposes changes to a PUD, there will be a need to revisit the agreement.

Commissioner Sullivan asked, "If the City does not go forward with the Aquatic Center, will the money go to the general fund?"

BAHSD Toy replied that would happen.

The public hearing was opened.

With no one wishing to speak, the public hearing was closed.

Commission Pinion said it was important to have projects completed timely and wished to have assurance that the Aquatics project would begin within three years or have the money deposited turned to another community recreational facility to be built within the next two years. Other Commissioners concurred with this.

COMMISSIONERS PINION/RIDNER MOTIONED TO APPROVE RESOLUTION NO. 00-62, WITH THE MODIFICATION OF TERM LENGTH TO THREE YEARS FOR COMMENCEMENT OF THE AQUATIC CENTER PROJECT, AND IF NOT COMMENCED WITHIN THREE YEARS, THEN THE FUNDS COULD BE APPLIED TO ANOTHER COMMUNITY FACILITY TO BE COMMENCED WITHIN THE NEXT TWO YEARS, HEREBY RECOMMENDING THE DEVELOPMENT AGREEMENT TO THE CITY COUNCIL FOR APPROVAL. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING "AYE".

Commissioners consented to hear item 8 on the agenda at this time.

8. GPA-00-03: MONTEREY/ CHURCH-SOUTH COUNTY HOUSING	Amend the General Plan for a four acre site from commercial to multi-family medium (14-21 units per acre). The project site is located on Monterey Rd. and Church Street south of the Post Office. SP Banks presented the staff report providing information regarding the applicant's
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proposal to amend the land use designation from commercial to Multi-Family Medium (14 - 21 units per acre. The project site extends from Monterey Road to Church street. The applicant, South County Housing, is seeking the land use amendment in order to construct a mixed use project consisting of 72 apartment units, a day care center, community room and offices.

The commercial portion of the project, the 45-student day care facility, the 4,300 square foot community center, and 3,000 square foot office area, would be located adjacent to Monterey Road on the ground floor with 12 residential units located on the second story. The community center would be used by residents of this projects and also by residents of South County Housing's other projects in the City. The remaining 60 residential units would be located in the center of the project site. Three of the buildings are proposed to be two-story, with two of the buildings having three-story elements. The three-story building would have a maximum height of 34 feet, which is in keeping with adjacent buildings in the area. A proposed office on the west side of Monterey Road would be 35-feet high. The industrial area on Church Street allows buildings up to 50 feet high. Parking is proposed along the perimeter of the site. This will act as a buffer from the surrounding uses.

SP Banks pointed out that the Post Office is located to the north of the site and an office to the east. On Church Street there is auto repair uses to the east and south of the site with a vacant industrial site located directly across the street.

Commissioner Sullivan asked if the City is a partner in the development?

SP Banks indicated the City Council has authorized finds to be set aside for the purchase of the land.

Commissioner Sullivan questioned if the Community Center is to be part of City Services?

SP Banks said the Community Center will be run by the South County Housing for residents of the project and their other projects.

Commissioner McMahon asked if the plan is for some units to have two-stories and others three?

SP Banks said yes and offered explanations as to the locations of the multi storied buildings. He also pointed out that the three-story buildings will be a maximum of 34-feet tall.

Commissioner Mueller said it appeared that the matter had already been discussed at the City Council level without consultation or input from the Planning Commission.

BAHSD Toy said his agency had been working with South County Housing staff and had been asked to state the options available to eliminate the substandard housing on the site and construction of affordable housing. The proposed concept had been presented to the General Plan Task Force. He noted that several members of the Planning Commission are members of the Task Force.

Commissioners expressed concern that if the project becomes not financially feasible, what will happen? There is no guarantee that the proposed project will become a reality, but the general plan will have been changed.

The public hearing was opened.

Jan Lindenthal of the South County Housing addressed the Commission, offering insight into the living arrangements design. She said the development had been analyzed for financial impacts using several scenarios; the plan being presented offers the best protection and use of City dollars. Lindenthal said the intention was to pursue all avenues for funding to build this affordable housing project. She urged adoption of the resolution.

Carolyn Lau, 120 Mast St, identified herself as an adjacent property owner. She expressed concern as to increased parking and pedestrian traffic in the area. Lau said she had to oppose the project on the basis of current zoning; she would like to have the property remain commercial. She indicated that bringing a residential development into the area presented potential problems for current owners in the area.

With no further speakers to the issue, the public hearing was closed.

Commissioner Pinion discussed the need for the requested general plan amendment if the project was to go forward.

Commissioner Sullivan identified herself as a member of the General Plan Task Force, stating that she was a strong proponent of multi housing use but was flipping on the use of this property. She said the Task Force had looked at other properties but the difficulty was in having housing and commercial use for a good mix.

Commissioner McMahon said she was also a member of the Task Force and she was very enthusiastic about the proposal before the Commission this date. She noted the location of the Post Office to the site, further indicating the location of residences to the east of the site. Commissioner McMahon stated this is an opportunity for innovative community development on Monterey. She provided a comparison to a transitional area in San Jose, stating she likes the mixed element of 2 - and 3-story buildings. Commissioner McMahon stated she can certainly see the need for - and intends support - the request for the zoning change.

Commissioner Lyle stated he believes the mixed use designation would have marginal effectiveness in this area. Such a proposal would provide limited commercial use. The Task Force, which he regularly attends, has indicated this is a sensitive area of the City; this project would increase the density enormously. This project, he said, is very high density, and appears to not fit the area. Commissioner Lyle particularly expressed concern about the location of the parking lots, noting that some are very near the City street.

Commissioner Sullivan spoke about the mixed use characteristics, asking with the project had been considered for downtown? She indicated she would like to encourage this project, but at perhaps a different location.

Commissioner Ridner said it was his belief that this was currently a blighted area. He stated he would not want to discourage development in the area which he indicated would potentially benefit and enhance the site and the neighborhood.

Responding to questions, BAHSD Toy provided an overview of possible alternatives. He said that investigation of other sites had led to the proposal before the Commission as a good use of the property and makes the most sense.

Chair Kennett said she is bothered by the location and particularly of the proposed placement of the amenities. She indicated it appears the buildings are overly large and very close to the road. Chair Kennett noted there appear to be a lot of problems including big parking lots. However, she said, she really likes the concept of mixed use.

Commissioner Mueller offered a suggestion, saying the project could be changed slightly while still providing housing and good commercial use on this property. If, he said, an R2 designation was made at the rear of the property, needed affordable housing could be build there and a mixed-use designation could be placed on the part of the property nearest the street.

Since the request had been for approval of a General Plan Amendment, the following action was made:

COMMISSIONERS McMAHON/LYLE MOTIONED TO DENY THE PROPOSAL AS PRESENTED BASED ON THE FINDING THAT R-3 ZONING DOES NOT GIVE THE GUARANTEE OF MIXED USE AND THE PROPOSED DENSITY DOES NOT CLEARLY PROVIDE AN ADVANTAGE OF THE STATED GOALS OF THE CITY FOR MIXED USE. THE MOTION PASSED 7 - 0 WITH KENNETT, LYLE, McMAHON, MUELLER, PINION, RIDNER AND SULLIVAN VOTING "AYE".

The Commission suggested the deletion of the wording for R-3 zoning and substituting R-2 zoning for the rear of the property and designating the 150-foot frontage as commercial, thus providing for the mixed-use designation as being an acceptable option for the site.

This matter having been completed, the regular order of the agenda was resumed.

**5. ZA-00-08:
DUNNE-FIRST
COMMUNITY
HOUSING**

A request for approval of a precise development plan and development agreement for a 100 unit apartment project to be located on a 7.22 acre parcel at the south east corner of the Medium zoning district.

PM Rowe noted this project had competed in the 1998 Measure P application process for affordable housing allotments. The project received 24 allotments for fiscal year 2000-01 and 38 building allotments for FY 2000-02. PM Rowe also indicated the inclusion of a development schedule in his presentation to the Commission.

PM Rowe reported the overall project consists of 100 units and is to be completed in three phases. Phase I and II have a total of 62 units and while Phase III of the project has yet to receive building allotments.

PM Rowe provided information regarding the specific demographics of the proposed project, noting the location, potential access, parking, and architectural drawing for the buildings. He noted the RPD ordinance requires that a project of 100 units provide at least 4 recreational amenities and provided information of the location(s) of these facilities.

PM Rowe informed the Commission that an acoustical analysis had been completed to assure compliance with the City's Noise element. He presented information of the acoustical analysis to the Commissioners.

PM Rowe indicated a Development Schedule has been presented to the Commissioners.

Commissioner Lyle expressed concern about the exit driveway.

SE Creer responded the situation is not ideal, but it is not a big problem as it is not a heavily used intersection.

The public hearing was opened.

Thomas Jamesi, 2 N. Second St. #1250, was present and indicated he would answer questions from the Commissioners. The issue of the start date of the project was raised, with Mr. Jamesi responding that the entire project will be started as indicated in the schedule.

The public hearing was closed.

COMMISSIONERS PINION/SULLIVAN MOTIONED TO ACCEPT THE NEGATIVE DECLARATION. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING "AYE".

COMMISSIONERS PINION/SULLIVAN MOTIONED TO ADOPT RESOLUTION NO. 00-63 TO ACCEPT THE ZONING AMENDMENT/RPD. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING "AYE".

COMMISSIONERS PINION/McMAHON MOTIONED TO ADOPT RESOLUTION NO. 00-64, ACCEPTING THE PRESENTED DEVELOPMENT AGREEMENT. THE MOTION PASSED UNANIMOUSLY WITH ALL COMMISSIONERS PRESENT VOTING "AYE".

**6. DAA-99-01/
SDA-99-03:
MISSION VIEW-
MISSION RANCH**

A request for amendment to the development agreement for phase 4 of the Mission Ranch project located at the south east corner of the intersection of Cochrane and Mission View Dr. The proposed amendment is to allow for a variation in the project's amenity schedule and relocation of a 5.5 acre park area.

PM Rowe provided the staff report. The Mission Ranch project will have approximately 310 units on 98.99 acres. Phase I and II (57 units) have been completed on approximately 21.64 acres. In February 1999 the Mission Ranch project received allocations for Phases III (27 units, FY 2000-01) and IV (27 units, FY 2001-02). In July/September 1999 the

Commission and Council approved the development agreement and subdivision maps for Phases III and IV of the project.

In March, 2000 the applicant filed for a conceptual plan review application with planning staff. The purpose of the application was to seek input regarding the subdivision layout for the upcoming 2000 Measure P application process. Consequently, the applicant has redesigned the undeveloped portion of the subdivision to address recommendations made. The recommendations result in the elimination of the 5.5 acre park proposed as part of the Phase IV of the project. The overall park area, however, will increase by 3.79 acres. The developer is also proposing to include two tennis courts within the 3.2 acre open space area adjacent to Cochrane Rd.

Commissioner Lyle asked if the basic application this date is for a 60-lot subdivision?

PM Rowe agreed this was the case plus the open space clarification.

Commissioner Mueller addressed the issue of lot size inquiring whether other lots were reduced in size.

The public hearing was opened.

Dick Oliver, 275 Saratoga Ave, Santa Clara, was present and spoke to the Commission. He explained the lot configuration which has resulted from the Planning Staff recommendations. He told the Commissioners that previously larger lots backed to the Marioni orchards but with the 50-foot buffer requirements, some lots were reduced in size. He said that the lots on Pete Road remained the same size. While the interior lots were smaller, Oliver related, the buffer zone had been retained in total along the Marioni property.

Commissioner Mueller asked if the row of lots affected were only on the south side of the project?

Oliver said this was true.

The public hearing was closed.

Commissioner Sullivan spoke on the importance of the buffer zone next to the Marioni orchards, stating the retention of the farming venture was important.

Commissioner Mueller asked how decisions were made regarding buffer zones and how wide they need to be?

PM Rowe replied that in this case, the decision is agriculture production driven. State law references the distance development needs to be from production so that pesticide applications can be made. He indicated in this case there is a buffer zone, plus setbacks, plus right-of-way to be considered.

COMMISSIONERS PINION/SULLIVAN MOTIONED TO APPROVE

**RESOLUTION NO. 00-65A. THE MOTION PASSED UNANIMOUSLY WITH AN
“AYE” VOTE BY ALL COMMISSIONERS PRESENT.**

**7. UP-00-06:
MAST- DURHAM
MEAT CO.**

A request for approval of a conditional use permit to establish a 40,000 sq. ft. meat packaging facility on a 2.9 acre parcel located to the east of 195 Mast Ave. The zoning on the property is General Industrial.

PM Rowe gave the staff report noting a correction to the square footage, which should read 42,000. This operation is not a slaughterhouse. The processing and distribution facility receives meat which has been previously cleaned and packaged in bulk. The prepackaged bulk meats will be shipped to this facility for cutting into smaller packages then shipment to hotels and restaurants. The distribution is finalized with the company's own fleet of trucks.

PM Rowe emphasized this is a move of an established company, noting a letter of justification and a statement of proposed operations providing additional information regarding the exact nature of the use, number of employees and hours of operation (3:30a.m. to noon) had been distributed to Commissioners for information. A location map was also disbursed.

The site has a looping circulation traffic design to permit trucks to travel through the site. The storage of the trucks will be at the rear of the property in a designated parking area. There is adequate space for maneuvering the trucks at the north side of the parcel. Loading areas and the proximity of the rail road were addressed. Landscaping is to be identified as part of the Site and Architectural review process.

PM Rowe reported the proposal is compatible with the zoning. He reiterated the hours of operation were not an issue in this location. PM Rowe said the trucking would be on regular routes and not in residential areas.

Commissioner Mueller asked if staff was aware of any air quality issues which might affect this or other businesses in the area?

PM Rowe indicated this had not become an issue and to his knowledge was not governed.

The public hearing was opened.

Chris Flocchini, 3115 Ricente St., San Francisco, representing the owners, spoke to the Commission. He said there was a USDA inspector on-site daily. Flocchini said the family was excited about the move to Morgan Hill and anticipated many years of successful work in the City. He introduced his father, Bud Flocchini who he said had come from Wyoming to answer any technical questions. Mr. Flocchini thanked PM Rowe for working diligently with the company to help with the application.

Commissioner Pinion asked if much welding would be done at the site (noting the mention of welding tanks in the staff report)?

Chris Flocchini responded that only limited spot welding occurs - generally to correct an

emergency (repair).

The public hearing was closed.

COMMISSIONERS LYLE/McMAHON MOTIONED TO ACCEPT THE NEGATIVE DECLARATION. THE MOTION PASSED 7 - 0 WITH ALL THE COMMISSIONERS VOTING "AYE".

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO ADOPT RESOLUTION NO.00-66. THE MOTION PASSED 7 - 0 WITH ALL THE COMMISSIONERS VOTING "AYE".

**9. RDCS
QUARTERLY
REPORT**

Progress review of residential projects approved under the City's Residential Development Control System.

PM Rowe presented the staff report and highlighting updates on projects which have been delayed or are delinquent. He told the Commission that three projects (Nina Lane-Shaw, E. Dunne- Grewal, and Del Monte Estates) which are cause for concern because of delay/delinquency, will be brought to the December 12, 2000 meeting. It was agreed by consensus that these three would be on the December 12, 2000 agenda.

COMMISSIONERS MUELLER/RIDNER MOTIONED TO ACCEPT THE REPORT AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS:

**DOAN SITE
CLEAN-UP
STATUS
REPORT**

PM Rowe presented the staff report: the Community Development Department requested the Planning Commission to review the soil investigation information contained in the report and make a determination as to whether or not the proposed five-lot subdivision may proceed with final map and site review processing.

PM Rowe covered the background of the project as a review for the Commissioners. He informed that in March, 2000 Earth systems Consultants conducted a limited Phase II soils investigation of the site which indicated levels of arsenic above 22 parts per million, a reading which would trigger the USEPA Preliminary Remediation Goal (PRG) for arsenic in residential soils. A second series of testing resulted in a third series of testing which resulted in readable levels of arsenic in the soils at the site. The applicant retained United Soil Engineering, Inc. to verify the presence of arsenic on site.

PM Rowe explained the testing procedures, samples taken, resultant readings and informed the Commissioners that as a result of two of the three soils investigations having identified the site does not contain arsenic concentrations above the PRG for residential. The Planning Staff feels there is sufficient evidence to support that the site is not contaminated. By consensus, the Commissioners agreed to accept the report with further testing not required.

ANNOUNCEMENTS:

PLANNING COMMISSION MINUTES

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PM Rowe reminded the Commissioners that the next General Plan Task Force will be Wednesday, November 29, 2000 at the Morgan Hill School District Board Room on Concord Circle.

ADJOURNMENT: There being no further business, Chair Kennett adjourned the meeting at 11:17 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON

Minutes Clerk